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TAGS: [PGOV](#) [EU](#) [PTER](#) [FR](#)  
SUBJECT: EU C/T LIST IN TROUBLE; SOMALIA; PANDITH VISIT

REF: A. PARIS 308  
[1](#)B. PARIS 711

Classified By: POLITICAL MINISTER COUNSELOR JOSIAH ROSENBLATT FOR REASON 1.4 (b) and (d)

[1](#)1. (S) SUMMARY: French diplomats from the MFA's strategic affairs, security directorate expressed concern on February 27 about the future of the EU terrorist designations list, and explained their rationale for seeking the UN 1267 committee's designation of Khalid Sheikh Mohammed (KSM). Officials also requested additional information on the French passport found after the January 7 U.S. air strike in Somalia (refuels A and B). They have had no success in obtaining data from the Somalia TFG. Security experts also said they looked forward to an eventual visit by EUR Muslim Outreach Coordinator Farah Pandith, and offered to assist in organizing meetings with various officials and intellectuals who deal with the issue of radicalization. END SUMMARY

#### EU Terrorist Designations List

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[1](#)2. (S) French diplomats from the MFA's strategic affairs, security directorate expressed concern on February 27 about the future of the EU terrorist designations list, noting that the recent European Court's judgment on the Mujahedin-e Khalq (MEK) case had served to erode confidence in the mechanism, challenging its efficacy, and calling its very foundations into question. (Note: The MEK successfully argued that it was indiscriminately targeted by the EU list, and was not given sufficient means for redress.) As a result of the court case, they said, EU members are now required to provide a publicly available rationale for inscription, send a letter to the proposed designees allowing them a month to oppose the designation, and review and recertify the designees every six months. The French said the process was not only cumbersome and possibly counterproductive (referring to pre-notification of asset freezing), but that authorities were uncertain if current measures would satisfy the court or if additional legal challenges would be mounted. Officials commented that with all of this uncertainty, France was deeply concerned about the list's future.

Khalid Sheikh Mohammed

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[1](#)3. (S) MFA officials said they are seeking U.S. co-sponsorship for a UN 1267 committee designation of Khalid Sheikh Mohammed. He is currently on the EU list but since he is an al-Qaida figure they believe a 1267 designation would

be more valuable. Because of French concerns about the future of the EU list and the technical work involved in recertification every six months, they would prefer to de-list him from the EU list. A 1267 designation, they said, would have more impact and more credibility. MFA security experts were surprised by U.S. reactions to the French request in New York and wondered if there was any political disagreement. They had not intended to create problems for the U.S. and would withdraw the request if necessary.

#### French Passport in Somalia

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¶4. (S//NF) MFA officials said they appreciated the information we provided about a French passport found at the site of the January 7 U.S. air strike in Somalia (reftel A). They are in contact with Kenyan authorities who have detained a man they believe to be the individual named in the passport (reftel B). They have not been allowed consular access to the individual but have requested fingerprints to verify his identity. Officials believe it may be a Tunisian man, not a French citizen, who lived in France under refugee status. In this case, the passport may be fraudulent. Security experts have not been able to obtain a copy of the photo or the passport from the Somalia TFG and would like to know if the U.S. retained a copy we could share with the GOF.

#### WELCOME FARAH PANDITH

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¶5. (S) MFA security experts said they looked forward to an eventual visit by Farah Pandith, the new EUR advisor on Muslim outreach. While they recognized the sensitivities of her visit, they noted that the issue of radicalization is a permanent part of our bilateral security and counterterrorism

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dialogue. Officials offered to assist in preparing for her visit by organizing meetings with both government officials and experts who work on radicalization. They said that the press coverage of Pandith's appointment in the Washington Times had not been well-received in the MFA, but that as long as the visit was received with limited visibility (particularly with regard to counterterrorism discussions), they did not foresee any problems.

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